

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

November 13, 2015

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Ref: 15OD-188

OAHU

Authorize the Issuance of Right-of-Entry for Due Diligence Purpose Regarding Proposed Shelter Facility for Homeless Population; Aio Foundation,¹ Applicant; Moanalua, Honolulu, Oahu, TMK (1) 1-1-003:003, 204 to 207, and 212.

APPLICANT:

Aio Foundation, a domestic non-profit corporation ("Applicant").

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Moanalua, Honolulu, Oahu, identified by Tax Map Key: (1) 1-1-003:003, 204 to 207, and 212, as shown on the maps as **Exhibit A1** and **A2**.

AREA:

13.090 acres, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: P-2

¹ On the form amending the corporation name dated May 11, 2011, the Applicant's name is noted as "aio Foundation" [first word all lower case].

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Revocable Permit No. 7843, Tactical Airgun Fumes Hawaii LLP,
Permittee, for Commercial Recreational Use purposes.

PURPOSE:

Due diligence purposes.

EASEMENT TERM:

Nine (9) months.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject request for issuance for right-of-entry is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, item 1. See **Exhibit B**.

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>X</u>	NO	___
Registered business name confirmed:	YES	<u>X</u>	NO	___
Good standing confirmed:	YES	<u>X</u>	NO	___

APPLICANT REQUIREMENTS:

None. Staff understands the Applicant is in the process of getting the concurrence of the permittee regarding the proposed project.

REMARKS:

Applicant is a domestic nonprofit corporation organized 1997 under the name of HWB Foundation. In 2011 the name of the organization was changed to aio Foundation. According to the information posted on the State Department of Commerce and Consumer Affairs website, there are five (5) purposes for the Applicant listed below:

1. To celebrate and showcase great Hawaii students as role models for their academic and athletic efforts, accomplishments, study and success;
2. To turn the national pastime of baseball into "a child's lesson for all time" through programs which build health, education and welfare amongst Hawaii's children;
3. To sponsor academic competitions including, but not limited to, the Hawaii state spelling bee, that enhance the educational experience of Hawaii's children;
4. To provide inspiration for adults and children to become responsible for themselves; and
5. To bring together like-minded companies and community organizations who are committed to the future of Hawaii's youth and education.

Applicant intends to help provide a long-term solution for the homelessness problem in the State. It plans to develop on the subject area a plantation style village for those in need of a shelter. The village will comprise of permanent cluster of buildings, gardens, community kitchen and restroom facilities, and playground too. Upon the completion of the improvements, the Applicant will either partner or turn it over to another nonprofit entity for ongoing operation. Applicant describes its plan and proposed layout of the village in its application package enclosed as **Exhibit C**.

Applicant acknowledges that it has no prior experience in developing similar housing for people in need. Nevertheless, one of its founders, Mr. Duane Kurisu, has over 30 years in local commercial real estate development, and he has committed his time and resources to carry out this project.

On September 11, 2015, the Board authorized the issuance of another right-of-entry for due diligence purpose on the same area. Other agencies were solicited for comments for the said right-of-entry which was intended for a future broadcast antenna tower site, to be developed by Mr. Kurisu, in his capacity of a for profit entity.

Staff does not anticipate agency responses to the subject request would differ materially from the response to the right-of-entry request that was previously approved. Therefore, staff did not solicit comments from other agencies on the subject request.

Subsequent to the conclusion of the due diligence, any request for State land will come before the Board for consideration and approval, if appropriate.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. There are no other pertinent issues or concerns.

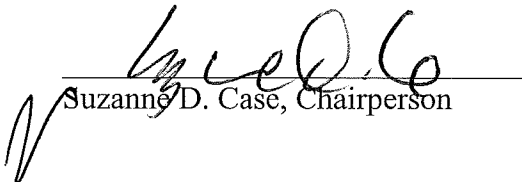
RECOMMENDATION: That the Board:

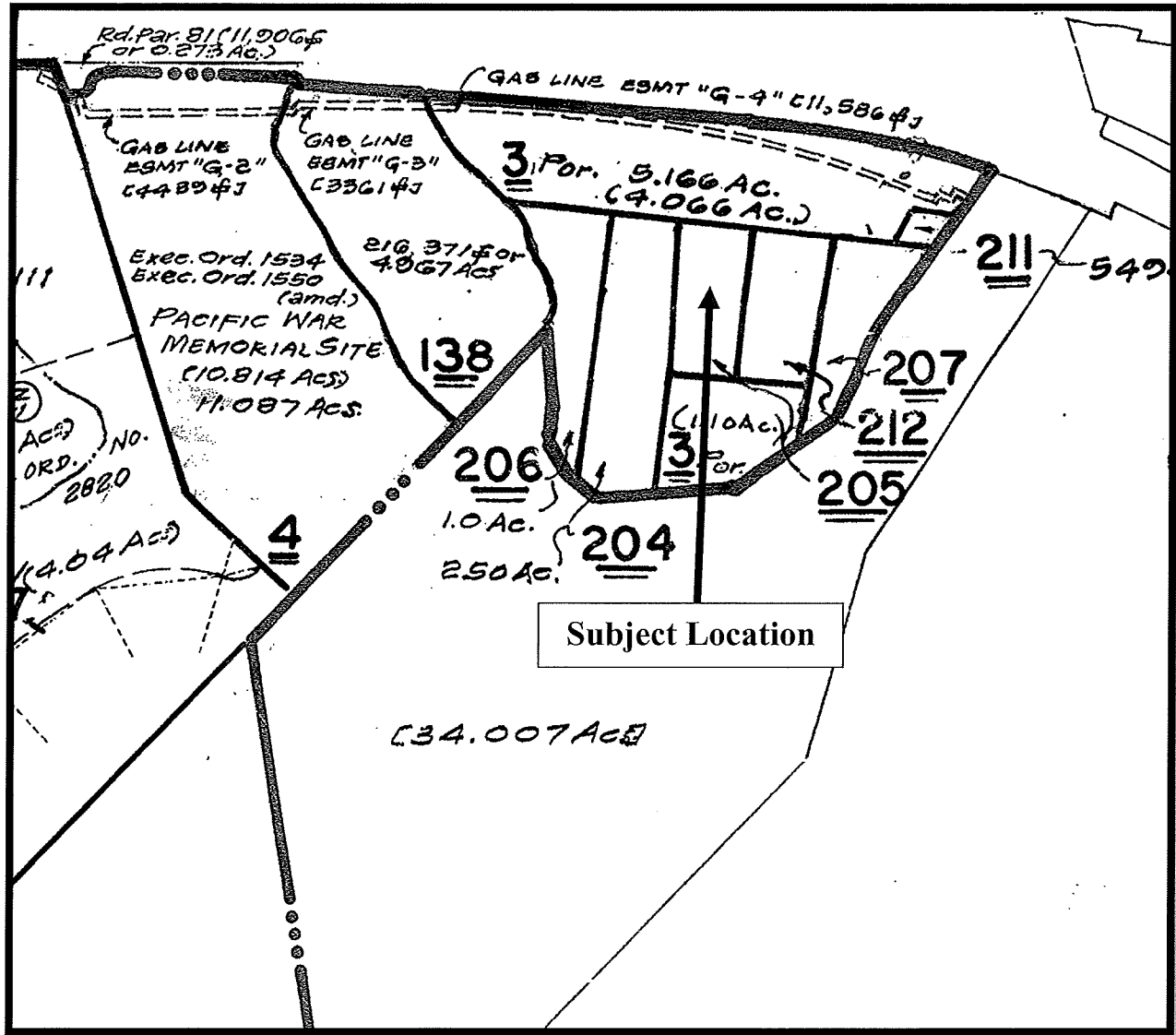
1. Declare that, after considering the potential effects of the requested right-of-entry as provided by Chapter 343, HRS, and Chapter 11-200, HAR, the request will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of an immediate right-of-entry permit to the aio Foundation for conducting due diligence pertaining to environmental assessment compliance for the requested shelter for homeless population covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. Written concurrence from the Permittee of RP 7843;
 - C. Authorize the Chairperson to extend the term of the right-of-entry for good cause; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Barry Cheung
District Land Agent

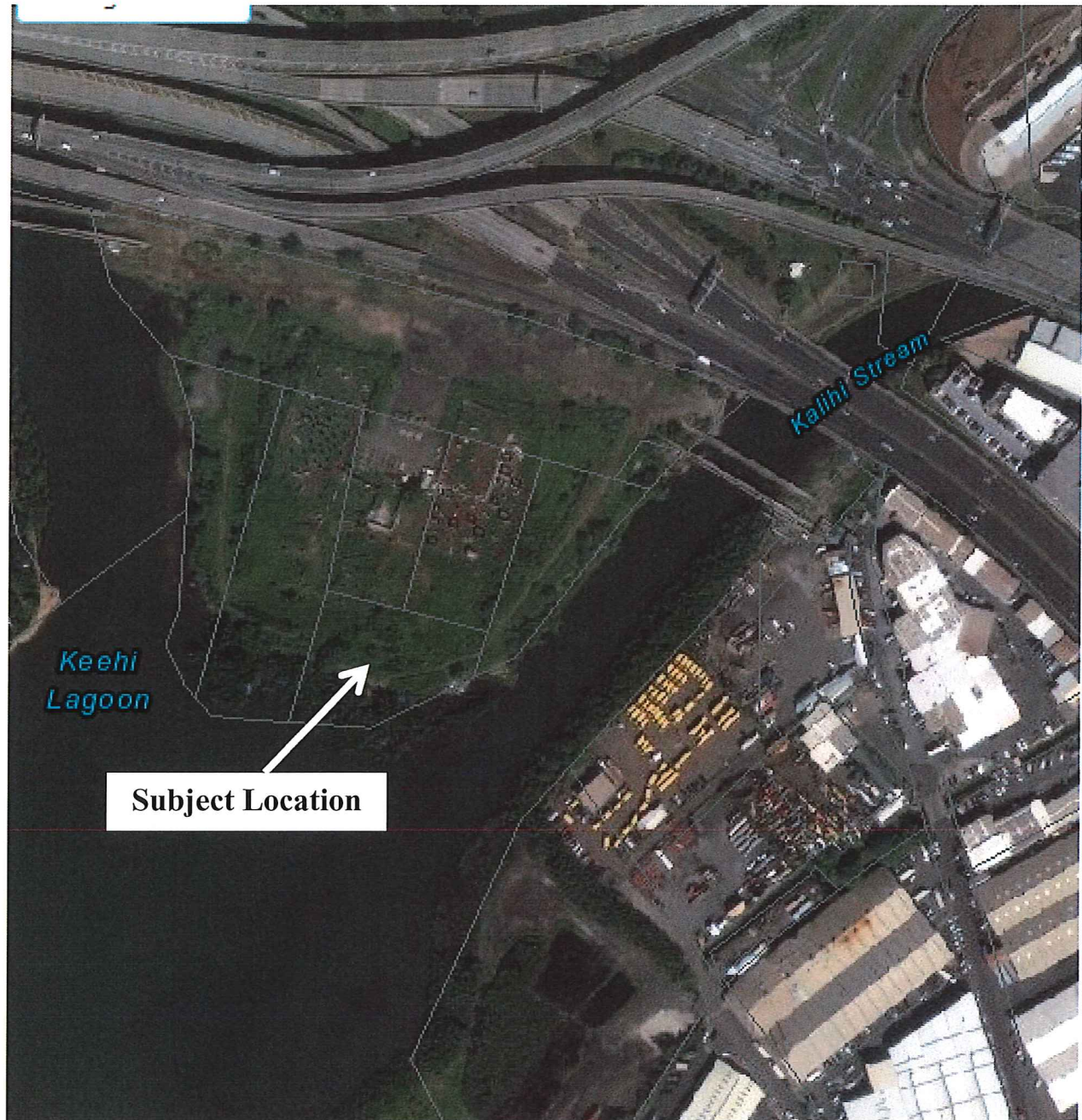
APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 1-1-003:003, 204 to 207, and 212

EXHIBIT A1



TMK (1) 1-1-003:003, 204 to 207, and 212

EXHIBIT A2

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Right-of-Entry for Due Diligence Purposes

Project / Reference No.: 15OD-188

Project Location: Moanalua, Honolulu, Oahu Tax Map Key: (1) 1-1-003:003, 204 to 207, and 212.

Project Description: Due diligence purposes.

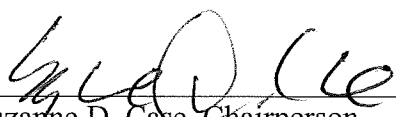
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject request for issuance for right-of-entry is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item 1 that states "Conduct surveys or collect data on existing environmental conditions (e.g. noise, air quality, water flow, water quality, etc.)".

The request is related to due diligence needs for the proposed easement for the proposed shelter site for the homeless population.

Consulted Parties: None. Recently, agencies were solicited for a similar right-of-entry request. See Board submittal.

Recommendation: That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.


Suzanne D. Case, Chairperson
Date NOV - 2 2015

N

EXHIBIT B

STATE OF HAWAII
DEPARTMENT OF LAND & NATURAL RESOURCES

REQUEST FOR STATE LANDS
APPLICATION FORM

For DLNR use only:

Date of request: _____
Date request recvd: _____
Date request no. issued: _____
Request number: _____
Land Code: _____
Unit Code: _____
Status: _____ Future
Type of Request: _____
Assigned Land Agent: _____

I. APPLICANT

Should a land disposition result from your application, the following information will be used in the preparation of the legal documents. Therefore, please include all applicable, full legal names and addresses, one for each person/entity (attach additional sheets as necessary). If title is held by a trust, please include the trustee(s) name(s) and full description of the trust (e.g., George D. Smith, Trustee of the George D. Smith Revocable Living Trust dated June 1, 2001).

Applicant name(s): aio Foundation
Last name First Name

Mailing address: 1000 Bishop Street, Suite 405
No. and Street
Honolulu Hawaii 96813
City State Zip Code

Phone numbers: (808) 523-5644 () ()
Work Home Cellular
() ()
Pager Fax E-mail address

Signature: _____ Date: _____

Applicant intends to hold title as:

- () Individual () Corporation () Partnership
() Husband and Wife () Limited Liability Corporation () Limited Partnership
() Trust (x) Non-Profit Corporation () Association
() Joint Venture () Limited Liability Partnership
() Other (specify): _____

For individual or husband and wife, type of tenancy:

- () Tenant in Severalty () Tenants in Common () Joint Tenants () Tenants by the Entirety

EXHIBIT "C"

For individual, marital status:

() Single () Widow/widower () Married -- spouse of: _____

For partnership or corporation, state of incorporation: _____

II. AGENT

If you have an attorney, consultant or other person processing this request for you, please include the following information.

Agent name:	<u>Kurisu</u>	<u>Duane</u>
	Last name	First Name
Agent address:	<u>1000 Bishop Street, Suite 810</u>	
	No. and Street	
	<u>Honolulu</u>	<u>Hawaii</u>
	City	State
		<u>96813</u>
		Zip Code
Phone numbers:	<u>(808) 523-5644</u>	<u>()</u>
	Work	Home
		<u>()</u>
	<u>()</u>	<u>(808) 533-7829</u>
	Pager	Fax
		E-mail address

III. TYPE OF REQUEST

- () Right-of-entry (right to temporarily enter onto State lands for a specific purpose)
() Grant of easement (access, utility, seawall, etc.)
() Month-to-month revocable permit
(x) Direct lease (eleemosynary organizations, public utilities, government, renewable energy producers, etc.)
() Purchase of remnant
() Land patent in confirmation of a Land Commission Award
() Land license

Is this request being made to resolve an encroachment or other violation? () Yes () No

If yes, explain: _____

IV. LOCATION AND AREA

If your request pertains to a specific parcel, please specify below.

Island:	(x) Oahu	() Kauai	() Molokai
	() Hawaii	() Maui	

Town: _____ Tax Map Key: _____

Area: _____ acres/sq.ft. (circle one)

County Zoning: _____

State Land Use: ☐ Agricultural ☐ Rural
 ☐ Conservation ☐ Urban

Is property located in a Special Management Area?

☐ Yes ☐ No

V. USE

Identify the specific uses intended.

- ☐ Agriculture ☐ Easement - Access
☐ Business/Commercial ☐ Easement - Utility
☐ Industrial ☐ Easement - Seawall
☐ Pasture
☐ Other (specify): Plantation style village for those in need of shelter.

A. Fully describe your proposed use of the public lands: Obtain a change of use
permit to allow for the construction and operation of a permanent
cluster of buildings, together with community fruit and vegetable
gardens, community restrooms and kitchen facilities and children
playground areas for families with children who are in need of shelter.

B. Attach a location map showing a preliminary sketch or plot plan of your proposed project
in relation to the tax maps.

C. Describe any improvements you intend to place on the land and their approximate value:
SEE ATTACHED.

D. If constructing improvements, attach a Plan of Development showing improvements to be constructed and their location on the public lands including a timeframe for construction.

E. Is it your opinion that an environmental assessment is required? (X) Yes () No

If no, identify exemption: _____

If yes, describe completion of EA: _____

F. Describe what other permits or approvals are required for this use and whether you have obtained such permits or approvals:

TO BE DETERMINED

VI. OTHER

A. If you are applying for a revocable permit for any type of use, you are required to provide the following information:

- 1) Describe your qualifications and experience in running this type of operation; and
- 2) Describe your long-term intentions for this operation. (Note: Revocable permits are temporary and may be revoked at any time.)

B. If you are applying for a revocable permit for pasture or agricultural use, you are required to complete Attachment A.

VII. CERTIFICATION

I/We hereby certify that the statements and information contained in this application, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, this application may be rejected or my/our lease/permit/agreement may be cancelled.

Jaime Oliveira
Printed Name

X 
Signature

Printed Name

X _____
Signature

10/9/2015
Date

State of Hawaii Department of Land & Natural Resources

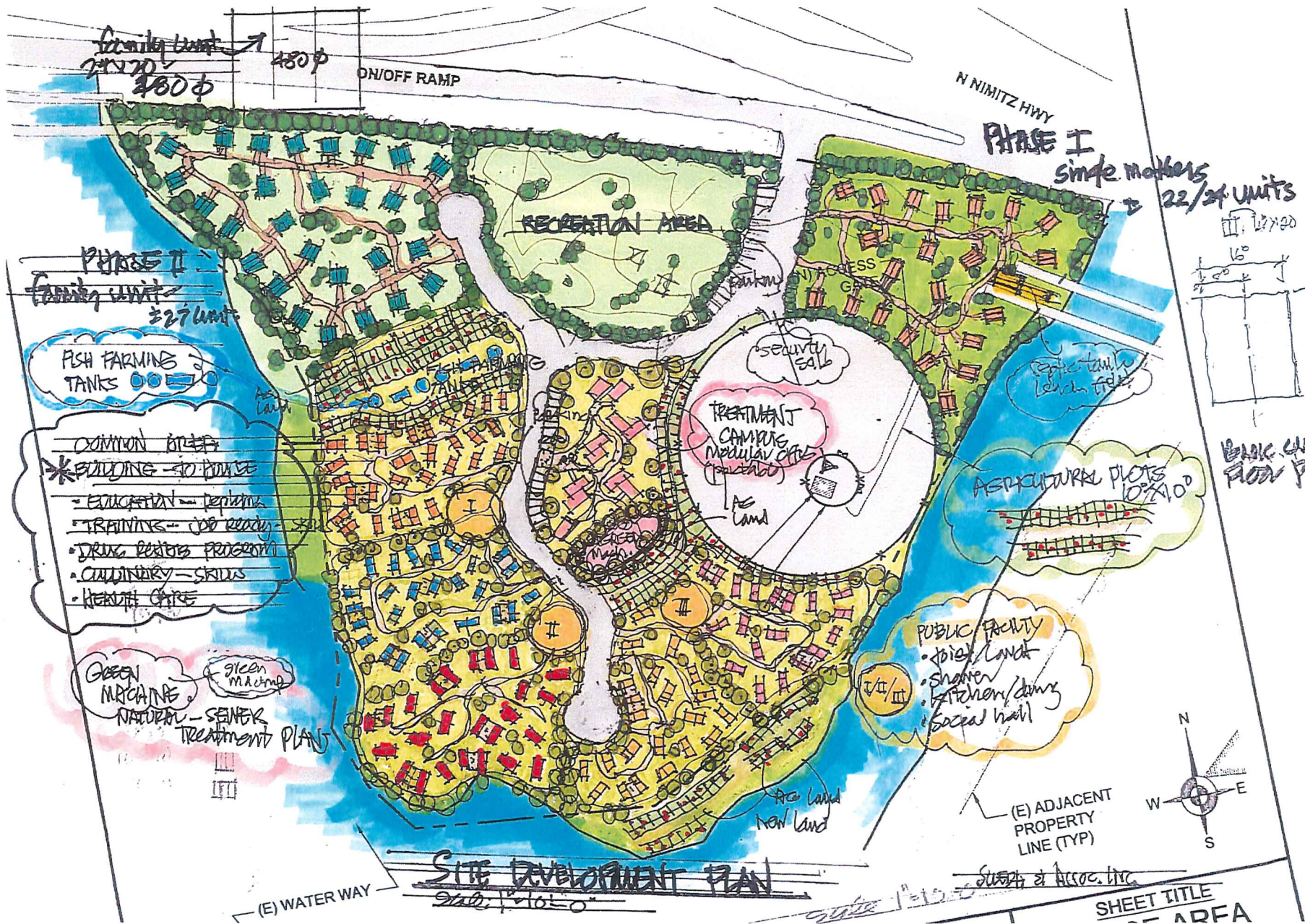
Request for State Lands Application Form

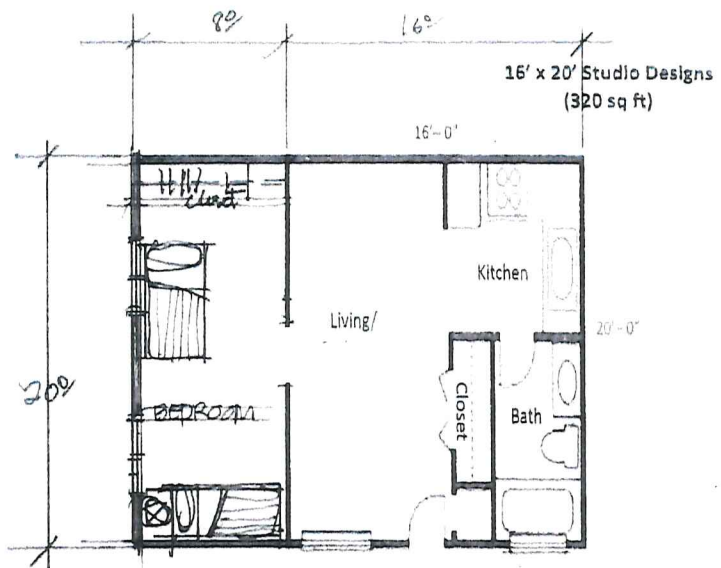
Addendum

Paragraph VI. OTHER

1. aioFoundation as an entity has no prior experience in building housing facilities for people of need. However, one of the founders of aioFoundation, Duane Kurisu, has over 30 years of experience in commercial real estate and he has committed his time and resources to help aioFoundation execute on its vision and plan for this shelter project. While aioFoundation has no experience in running housing facilities, its intention is to bring in a not-for-profit institution that has this kind of experience to partner with it, not only in the planning process but also in operating the facility after it is completed.
2. aioFoundation intends this development to help provide a long-term solution for homelessness in Hawaii. It is, therefore, its intention to either keep its interest in the development, partner with another entity or to turn over the development to a third party not-for-profit institution so that its vision for a long-term provider for homeless people is realized.







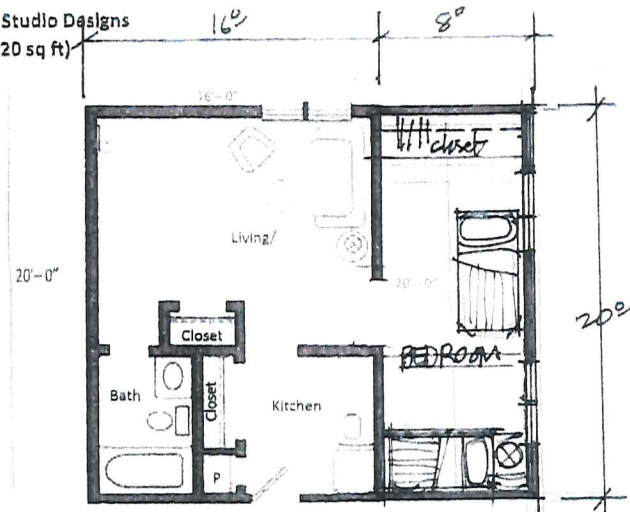
FLOOR PLAN 980 \$

Living/Bedroom Area and Shower

modified plan



16' x 20' Studio Designs
(320 sq ft)



FLOOR PLAN - 480 ϕ

Living/Bedroom Area and Shower



modified plan

APPLICATION AND QUALIFICATION QUESTIONNAIRE

(Non-Profit)

Write answers in the spaces provided. Attach additional sheets as necessary, clearly indicating the applicable section number.

Part I. General Information

- 1 Applicant's legal name: aio Foundation
- 2 Applicant's full mailing address:
1000 Bishop Street, Suite 405
Honolulu, Hawaii 96813
- 3 Name of contact person: Jaime Oliveira
Contact person Phone No.: _____ Fax No.: _____
- 4 Applicant is interested in the following parcel:
Tax Map Key No.: _____ Location: _____
If Applicant is current lessee: General Lease No.: _____
- 5 When was Applicant incorporated? _____
- 6 Attach the following:
 - A. Articles of Incorporation
 - B. Bylaws
 - C. List of the non-profit agency's Board of Directors
 - D. IRS 501(c)(3) or (c)(1) status determination
 - E. Tax clearances from State of Hawaii and respective county Real Property Tax Office
 - F. Audited financial statements for the last three years. If not audited, explain why.
If Applicant is a new start-up, attach projected capital and operating budgets.
 - G. Any program material which describes eligibility requirements or other requirements to receive services

Part II. Qualification

- 7 Is Applicant registered to do business in Hawaii? Yes/No
- 8 Has Applicant received tax exempt status from the Internal Revenue Service? Yes/No
- 9 Is Applicant licensed or accredited in accordance with federal, State or county statutes, rules, ordinances, to conduct the proposed activities? Yes/No
List all such licenses and accreditations required: _____
- 10 Is Applicant in default or otherwise not in good standing with any State department (e.g. POS agency, DCCA, DLNR, etc.)? Yes/No

If yes, explain:

11. Has Applicant had a State of Hawaii lease, permit, license, easement or sale in fee cancelled within the last five years? If yes, list: Yes/No

<u>Doc. No.</u>	<u>Type of Agreement</u>	<u>Term of Agreement</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

12. Does Applicant have any policies which discriminate against anyone on the basis of race, creed, color, national origin, sex or physical handicap? Yes/No

If yes, explain:

13. Has Applicant received funding from a federal, State, or county government agency, the Aloha United Way, and/or a major private foundation within the last three years? Please list all such contracts below: Yes/No

<u>Agency</u>	<u>Contract Term</u>	<u>Contract Amount</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

14. If Applicant has not received funding from a federal, State or county government agency, the Aloha United Way and/or a major private foundation during the past three years, describe Applicant's qualifications to effectively perform the proposed services, including but not limited to, grants or subsidies received from non-major, private funders and/or staff or Board members who possess significant experience in Applicant's service field

aio Foundation is an organization that prides itself on grass roots funding and grass roots sources for expertise for committed projects.

Part III: Program Activities and Persons to be Served

15. What activities will be conducted on the premises to be leased?

Construction of a village for those in need of shelter, primarily single mothers with children and families with children.

16. What are the specific objectives of these activities?

To provide a long-term solution for homelessness, primarily targeting (1) single mothers with children and (2) families with children, by creating an environment that encourages old-time plantation culture.

17. Describe the community need for and the public benefit derived from these activities.

Help provide basic needs for homeless people in Hawaii in a dignified way.

18. Describe the targeted population for these activities by: 1) age group, 2) gender, 3) ethnic background, 4) income level, 5) geographic location of residence, 6) special needs/disability, and 7) other applicable characteristic(s).

We are targeting children and making no distinction for age, gender, ethnic background, income level and special needs.

19. Describe all eligibility requirements of clients to participate in the activities, e.g. age, income level, ethnic background, income level, disability, etc.

Our priority is to provide housing for children with the first priority being single mothers with Children. Secondly, we will give priority to families.

20. Do you require membership to participate in these activities?
If yes, list the requirements of becoming and remaining a member:

Yes/No ☒ No

21. How many unduplicated persons will engage in the activities annually?

Activity

Persons Per Year

200+ per year

22. Is State funding made available for the activities to be conducted on the leased premises?

Yes/No

If yes, by which State agency: _____

23. List all activities to be conducted on the leased premises which require payment of excise taxes, e.g. subleasing, sale of products or services. Include an estimate of annual gross revenues from each activity.

Shelter. Annual gross revenues will be to cover cost of services, maintenance and repairs and utilities only. We may include a drive-by convenience store which would also provide basic needs for those in the proposed village.

Development of the Land

24. Describe the proposed site development plan for the property, indicating the location and size of buildings, parking areas, landscaped areas and related uses. Attach sketch of plan if available.

The development is proposed for reclaimed land on the makai side of Nimitz Highway between Sand Island and Keehi Lagoon Park which is currently occupied by a paintball game operator. Attached is a sketch of the general development plan which is proposed to be done in phases.

25. What improvements to the land do you intend to make and at what cost?

Multiple single-family and duplex housing units, the number which is to be determined. We also plan to construct a common area for recreation and shared kitchen and restroom facilities, including gardens to raise vegetables and fish ponds to raise fish for the dining table.

26. How will the improvements be funded?

Private funding.

27. Describe all environmental, land use and other permitting requirements which must be met to develop the land as proposed.

To be determined after site due diligence review is conducted.

28. Will you be subleasing any portion of the property? If yes, describe the sublease uses:

To be determined.

Part V: Notarized Certification

I/We hereby certify that the statements and information contained in this Application and Questionnaire, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, I/we may be disqualified from receiving a lease or my/our lease may be canceled.

Jaime Oliveira
Applicant Name
By: Jaime Oliveira
Its: President
Date: 10/9/2015

Applicant Name

By: _____

Its: _____

Subscribed and sworn to before me this
9th day of October, 2015

Madeline A. Iwamoto
Notary Public

County of: _____

State of: _____

My commission expires: _____

**MADLINE A. IWAMOTO
COMMISSION NO. 88-391
MY COMMISSION EXPIRES
JULY 4, 2018**